IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CASE NO.: **CWP No.19520 of 2006**

DATE OF DECISION: December 8, 2006

MAM RAJ S/O TIKKA RAM ...PETITIONER

VERSUS

THE FINANCIAL COMMISSIONER, HARYANA & OTHERS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ASHUTOSH MOHUNTA.
HON'BLE MRS. JUSTICE NIRMAL YADAV.

PRESENT: MR. DINESH GHAI, ADVOCATE FOR THE PETITIONER.

ASHUTOSH MOHUNTA, J.

The petitioner has impugned the orders dated 20.3.2002, 13.11.2003, 20.12.2005 and 22.8.2006, passed by the Assistant Collector, Ist Grade, Yamuna Nagar, District Collector, Yamuna Nagar, Commissioner, Ambala Division and Financial Commissioner by which the petitioner has been held to be in unauthorized occupation of the panchayat land and has been ordered to be evicted.

The facts of the case are that the Gram Panchayat of village Asgarpur, Block Sadhuara, District Yamuna Nagar filed application under Section 7(2) of the Punjab Village Common Lands (Regulation) Act, 1961 (for short 'the Act') for ejectment of the petitioner on the ground that he was in unauthorized occupation and the revenue authorities held that the land in dispute was being given by the Gram Panchayat on lease on year to year basis and that the petitioner himself had taken the land on lease and hence his possession over the suit land after expiry of the lease period is illegal.

Counsel for the petitioner has contended that the land in dispute belongs to the proprietors of the village and that the Gram Panchayat has no concern with the same.

A perusal of the facts clearly shows that the land was continuously being leased out by the Gram Panchayat and the petitioner had himself had taken the land on lease and therefore, his possession becomes illegal in terms of Rule 19 of the Punjab Village Commons Lands Rules. The mutation of the land in dispute is also in the name of Gram Panchayat. In view of the above, the petitioner was in illegal occupation of the land belonging to the Gram Panchayat and he has rightly been ordered to be evicted from the same. Thus, we find no merit in the writ petition and the same is dismissed.

(ASHUTOSH MOHUNTA)
JUDGE

December 8, 2006
Gulati

(NIRMAL YADAV)
JUDGE